

EXHIBIT K

PART 1 OF 2

COPY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NANCY DeNARDI,

Plaintiff,

- against -

DRA IMAGING, PC and IMAGING SUPPORT
SERVICES, LLC,

Defendants.

-----X

Thursday, March 20, 2008
10:00 a.m.
Held at the Offices of
Keane & Beane PC
445 Hamilton Avenue
White Plains, New York

EXAMINATION BEFORE TRIAL of

NANCY DeNARDI,

Plaintiff, pursuant to Notice, before Linda P.
Fabel, a Shorthand Reporter and Notary Public
within and for the State of New York.

1 Nancy DeNardi

2 all the bills. I reviewed all his contracts that
3 came in for any -- he did a lot of HMO insurances
4 and he'd give them to me to look over to see if
5 it was worth his while, ordered supplies, credit
6 collection.

7 Q. And how long did you work for
8 Dr. Ginder?

9 A. Approximately ten years.

10 Q. And after that did you find
11 subsequent employment?

12 A. I left him to go to work at DRA
13 Imaging.

14 Q. What year did you start at DRA?

15 A. 1999.

16 Q. Do you remember the month?

17 A. September 7th.

18 Q. You testified earlier that you've
19 never testified before under oath in any type of
20 lawsuit; is that right?

21 A. No. I said I never testified in
22 court before.

23 Q. All right. Have you ever given any
24 type of testimony?

25 A. I gave a very small deposition in a

1 Nancy DeNardi

2 I don't think I had had a raise in three years
3 because he kept telling us that we had reached
4 the top of our profession and couldn't afford to
5 give us any more, and it was just time to move
6 on.

7 It was -- my children were little,
8 it was a great job to have, I was able to leave
9 and go back and forth as I needed with my
10 children, but my children were older and I wanted
11 something different.

12 Q. How long after you gave Miss Vitale
13 your resume did you have the interview,
14 approximately?

15 A. Five months.

16 Q. And you said you were called by
17 someone at DRA?

18 A. Nancy Rasmussen.

19 Q. And did Miss Rasmussen, when she
20 called you on the phone, tell you what the
21 position was that you would be interviewing for?

22 A. I believe so.

23 Q. What was it?

24 A. It was for an insurance rep.

25 Q. Did you interview with Miss

1 Nancy DeNardi

2 Rasmussen?

3 A. Yes, I did.

4 Q. Anyone else at DRA?

5 A. No.

6 Q. Did you interview once or more than
7 once?

8 A. Just one time.

9 Q. And did there come a time when
10 Miss Rasmussen either called you or wrote to you
11 and offered you a position?

12 A. She called me the next day.

13 Q. And she offered you a position?

14 A. Yes, she did.

15 Q. And did you tell her you were
16 accepting the position?

17 A. Yes, I did.

18 Q. And when did you start in
19 relationship to when she called you?

20 A. Approximately three weeks later. I
21 gave a two weeks' notice at my job and I was
22 scheduled to take a week's vacation, so I -- and
23 they were going through a new computer system, so
24 she said that was fine.

25 Q. So you took a week's vacation and

1 Nancy DeNardi

2 you started basically after you gave your two
3 weeks' notice?

4 A. Right.

5 Q. When you interviewed for the
6 position, what did she tell you it would be?

7 A. Filing insurance claims.

8 Following up on any claims that
9 weren't paid.

10 Send out billing.

11 Everyone, you know, everybody took
12 a turn sending out billing.

13 Q. And did you have experience in
14 those areas?

15 A. Yes, I did.

16 Q. Did she use the term "insurance
17 rep" or "insurance representative"?

18 A. Yes.

19 Q. And was that your understanding of
20 what your title would be when you accepted the
21 position?

22 A. Yes.

23 Q. When you first started at DRA, who
24 did you meet with?

25 A. The first day I started work?

1 Nancy DeNardi

2 Q. The first day you started.

3 A. Nancy Rasmussen and Gail Platt was
4 the manager at the time. And she was going to be
5 training me.

6 Q. Would you be working in the billing
7 department at that time?

8 A. Yes.

9 Q. Where was the office of DRA?

10 A. Poughkeepsie.

11 Q. Can you tell me, after you first
12 started there, what your typical duties were as
13 an insurance rep?

14 A. Well, when I first started there,
15 two weeks of training. I was sitting actually
16 with Jane Ackerman, who was training me to answer
17 phones, field customer questions that they called
18 in about their bill.

19 Everybody had their own insurance
20 company that they dealt with. Jane happened to
21 be MVP at the time and they would run reports, go
22 over the reports, see how many outstanding claims
23 there were that weren't paid yet, why weren't
24 they paid, what could you do to get it paid.

25 And then they taught you how to do

1 Nancy DeNardi

2 Q. Were there any other supervisors at
3 that time?

4 A. I'm sorry, I did misspeak, Gail was
5 the assistant manager. Nancy Rasmussen, the
6 director of operations, was the billing manager,
7 I'm sorry.

8 Q. That's all right.

9 So Nancy was the manager, Gail was
10 the assistant manager?

11 A. Yes. I'm sorry.

12 Q. That's all right.

13 Were there any other employees in
14 the billing department who had any type of
15 supervisory role?

16 A. No.

17 Q. So you started working on MVP after
18 you were trained; is that right?

19 A. Yes.

20 Q. Who were you dealing with at MVP,
21 anyone in particular or were there different
22 people?

23 A. There were different people that
24 answered the phone.

25 Q. What was your understanding of what

1 Nancy DeNardi

2 Q. How long were you in the position
3 of insurance rep?

4 A. Two years. I'm thinking. Nancy
5 left in 2000, 2001. January of 2002 I got a
6 promotion to insurance lead.

7 Q. Prior to that promotion, had your
8 duties or responsibilities changed in any way?

9 A. Yes.

10 Q. How?

11 A. I started in September. I believe
12 it was May or June of the following year, Jane
13 Ackerman quit, so Nancy Rasmussen asked me to
14 take over Medicare.

15 And I told her I would and it might
16 have been about that time that she also offered
17 me a chance to change my hours to 8 to 4:30.

18 Q. Now, what was it that changed your
19 responsibilities other than you are now dealing
20 with Medicare?

21 A. Medicare was the biggest account in
22 the company, I believe, and she had told me that
23 she felt that I could handle it, and she didn't
24 feel she could give it to someone else. She
25 thought I would be good for it.

1 Nancy DeNardi

2 insurance rep lead; Ginny who?

3 A. Ginny Barkiyani, I'm sorry.

4 Q. That's all right.

5 This was sometime during the summer
6 of 2001 when Ginny told you they were thinking of
7 making an insurance rep lead?

8 A. Yes.

9 I should back up a little bit.

10 Nancy Rasmussen, I'm sorry,
11 actually left in August of 2000. That's when
12 Mark Newton and Joe Chiseri, C-H-I-S-E-R-I, when
13 they came in, Gail was promoted to manager,
14 billing manager, and Ginny Barkiyani was promoted
15 to assistant manager.

16 Q. You said when Joe Chiseri and Mark
17 Newton came in, you mean when they first started
18 working?

19 A. Yes.

20 Q. And Nancy had resigned her
21 position?

22 A. Yes.

23 Q. Did you know why she left?

24 A. I don't.

25 Q. And Gail Platt was made the

1 Nancy DeNardi

2 Imaging.

3 File room.

4 That's pretty much the whole
5 company.

6 Q. So you've named four other
7 departments and billing would be five; is that
8 right?

9 A. Yes. Transcription, I'm sorry.

10 Q. That's all right.

11 So each of these other departments
12 had at least a manager and a lead; is that right?

13 A. Yes.

14 Q. And billing was the only one that
15 you are aware of that had a manager and maybe an
16 assistant manager, but no leads?

17 A. Right.

18 Q. So you were told some time during
19 the summer of 2001 that the company was thinking
20 of making a lead for the billing department; is
21 that right?

22 A. Yes.

23 Q. And what else did Ginny tell you,
24 if anything, at that time?

25 A. Nothing other than the fact that

1 Nancy DeNardi

2 Gail and Mark had talked about offering it to me.

3 Q. Now in June of 2001, how many
4 people were working in the billing department,
5 approximately?

6 A. 20, 25.

7 Q. So then the structure, as you've
8 described it, is you have a manager, an assistant
9 manager, and 20 or so people who were all on the
10 same level; is that right?

11 A. Yes.

12 Q. The people who are working in the
13 billing department, the 20 to 25, were they all
14 women?

15 A. Yes.

16 Q. Did anyone talk to you between the
17 summer of 2001 and January of 2002 about making
18 you or anybody else the lead?

19 A. Gail Platt mentioned it to me.

20 Q. What did Gail say?

21 A. She said that they were going to
22 create this position and her and Mark had
23 discussed having me take it. She said it
24 wouldn't happen till January, after the end of
25 the year and all the financial was set in the

1 Nancy DeNardi

2 budget for the following year, but she felt it
3 would be offered to me and if I wanted it, to
4 think about it.

5 And I believe it was the first week
6 in January, maybe the first couple of weeks, that
7 she came to me and said, "Joe and I want to offer
8 you the position if you want to take it." And I
9 did.

10 Q. So tell me how it came about in
11 January that you were offered the position.

12 A. It was towards the end of the day
13 and Gail came to my little cubby and asked to
14 speak to me. And she said that they were ready
15 to go ahead with the position. I would be under
16 Ginny Barkiyani and, hopefully, all the insurance
17 reps would come to me with their problems instead
18 of coming to Ginny and Gail, who had a lot to do
19 during the day.

20 And they wanted it to flow through
21 me, and any insurance issues, they wanted them to
22 come to me and let me help them with it or how to
23 handle it.

24 And I agreed to take the job and
25 they gave me another raise.

1 Nancy DeNardi

2 rep lead, did that change?

3 A. No.

4 Q. How long were you an insurance rep
5 lead?

6 A. Till 2004.

7 Q. And what changed in 2004?

8 A. Gail Platt resigned in February of
9 2004. Ginny Barkiyani became the billing
10 director in June of 2004. And I was -- became
11 the billing department lead.

12 Q. Had there been a billing department
13 lead prior to you taking that position?

14 A. No. Ginny and I had discussed the
15 title. She asked me how important the title of
16 assistant manager was to me. If I decided not to
17 take overtime anymore, I would have the title of
18 assistant manager. If I wanted to keep the
19 overtime, they would make it billing department
20 lead.

21 Q. So what did you say?

22 A. Billing department lead.

23 Q. And why was that?

24 A. I was doing a lot of overtime.

25 Q. As an insurance rep lead, how much

1 Nancy DeNardi

2 while, so everybody was overworked.

3 Q. So would it be fair to say then
4 that the overtime that you were doing was just
5 additional work that you couldn't get through
6 during the 40-hour workweek?

7 A. Yes.

8 Q. And that was the same whether you
9 were the insurance rep lead or the billing
10 department lead?

11 A. Yes.

12 Q. It was just additional work,
13 because they were understaffed, couldn't get
14 done; is that right?

15 A. Yes, and because you're
16 understaffed, everybody had a lot of work to do.

17 Q. What is Cerner, C-E-R-N-E-R?

18 A. Cerner is the new software company
19 that was coming in to take over their computer
20 system.

21 Q. When did that begin, the
22 implementation of Cerner?

23 A. They were -- I believe Gail Platt
24 was still there when they were bringing them in.
25 The year I don't know -- 2003 --

1 Nancy DeNardi

2 Q. So what did you have to do with
3 respect to what had been put in by the Cerner
4 employee?

5 A. We were all trying to go through,
6 trying to figure out what insurances were in
7 there, how they were going to come over from
8 Cerner into the Vital work system we were in,
9 because the billing department had decided to
10 keep the billing department on Vital Works and
11 they were going to have to interface it. And
12 from my understanding, there were a lot of
13 problems with it.

14 After that aspect of it, I didn't
15 have much to do with it. It was mostly Jackie
16 Bourne and Carol Gustin.

17 Q. Did there come a point in time when
18 Cerner went, we'll call it live for the company?

19 A. Yes.

20 Q. When was that?

21 A. When it went live, I was out on
22 disability. I'd just gotten out of the
23 hospital -- I don't know whether I was still in
24 the hospital at the time or if I was at home, but
25 I believe I was on disability when they went

1 Nancy DeNardi

2 live.

3 Q. Prior to Cerner going live, did you
4 do any work either on it or for it, meaning
5 Cerner?

6 A. On, I would say I was trying, and
7 trying is a good word, to implement some of the
8 insurance companies in there. There came a time
9 where I was asked to go to Josh, I don't remember
10 Josh's last name, he was implementing a lot of
11 Cerner, and he gave me instructions on what to
12 do.

13 The instruction were incomplete.
14 Somebody from Cerner gave me a different set of
15 instructions. When we went to the IT department
16 to ask them for printouts, so we could see what
17 insurances were in there and which ones weren't,
18 that was also incomplete.

19 And they kind of like stopped at
20 that point because they were trying to figure out
21 what was going on. And then I was -- I got sick
22 and I didn't have much to do with it after that.

23 Q. After you got sick, you mean?

24 A. And before I got sick. Ginny had
25 said that -- I guess there was a time when all of

1 Nancy DeNardi

2 us were in a meeting or something or working in
3 the conference room, and she came out.

4 She was angry. She said that the
5 billing department people were milling around
6 only talking and she said, "They'll know more,
7 we'll all of us be in there together." And I was
8 to stay back in the billing department while
9 Carol and Jackie worked on Cerner.

10 Q. So prior to that meeting, you had
11 been working on Cerner?

12 A. No, not working on it. In the
13 summer when we were first working on it trying to
14 figure out the billing aspect, and if it worked
15 with Vital Works, that was basically all that I
16 did.

17 Q. The summer of what year?

18 A. 2004 maybe.

19 Q. All right.

20 When did you go out on disability?

21 A. October of 2005.

22 Q. And you believe that Cerner went
23 live while you were out on disability, correct?

24 A. Yes.

25 Q. And so, just to get a frame of

1 Nancy DeNardi

2 though, because I had a tube down my throat and
3 up my nose and --

4 Q. It was difficult to talk?

5 A. Yes.

6 Q. How many times did you see Carol
7 while you were in the hospital?

8 A. I'm going to say they came over
9 just about every day.

10 Q. And when you say "they," you're
11 referring to a few people?

12 A. I'm sorry, Carol Gustin, Ginny
13 Barkiyani, Jackie Bourne, but there was also
14 Linda Falano (phonetic) came over just about
15 every day. Joanie Kilmer came over every day.
16 Candace Tangredi came over every day. Sue K --
17 I'm not going to tell you her last name because I
18 can't pronounce it and you won't be able to spell
19 it. And there were others.

20 Q. So there were a bunch of people
21 from the company that came to see you or visit
22 you every day while you were in the hospital?

23 A. Yes.

24 Q. And how did you feel when they came
25 to see you?

1 Nancy DeNardi

2 because the chemo gets attached to the
3 porto-cath, attached to a fanny pack that I wore
4 for two days.

5 Q. And tell me about the chemo, how
6 did it start? What did you have to do?

7 A. I would go on a Tuesday morning.
8 It would take about two hours while they IV a
9 couple of bags into you. And when they were
10 done, they would hook up a needle into the
11 porto-cath with a tube that went down to -- I
12 wore a fanny pack that was attached to a chemo
13 pack, wore that for two days, went back two days
14 later, where they would take it out and repeat
15 again two weeks later.

16 Q. So you would go on Tuesday morning
17 and you would spend approximately two hours with
18 them hooking you up to all these different
19 wonderful things, right?

20 A. Yes. Yes.

21 Q. And would they take you right away
22 or did you have to wait at times?

23 A. Usually they took me right away
24 because I always tried to get the first morning
25 appointment.

1 Nancy DeNardi

2 Q. What time was the first morning
3 appointment?

4 A. 9:00 o'clock.

5 Q. So you would be out of that
6 appointment by approximately 11 a.m.?

7 A. I was usually back to work between
8 11:30 and 12.

9 Q. Well, the first time you were there
10 you weren't at work yet, correct?

11 A. That's right.

12 Q. So do you remember what time you
13 went for the first time you had to be there?

14 A. I don't.

15 Q. And would it be fair to say that
16 each time you went it would take the same two
17 hours or so?

18 A. Basically.

19 Q. The first time they hooked
20 everything up, were you lying down, were you
21 sitting in a chair?

22 A. They had very nice comfy leather
23 recliners that you could sit in.

24 Q. What were you doing at the time
25 they were hooking you up?

1 Nancy DeNardi

2 A. The very first time?

3 Q. Yes.

4 A. The very first time my husband went
5 with me. It was basically they ran through
6 everything, told me what was going to happen.
7 The first time took about two or three hours.

8 The nurse had to show me
9 everything. They actually had someone come down
10 from the durable medical equipment company to
11 attach the fanny pouch to me, explain to me what
12 would happen. There were alarms on it, if it
13 went off. If I had a problem, who to call, where
14 to call. So the first time took a little bit.

15 Q. And you said it would last for
16 approximately two days?

17 A. I would wear it for two days,
18 that's right.

19 Q. And then you would have to go back?

20 A. To the oncologist and have them
21 take it out.

22 Q. How long did that take?

23 A. Oh, that was not long at all. All
24 they did was unhook the needle, flush it, and I
25 was out the door. Maybe half an hour, depending

1 Nancy DeNardi

2 how busy they were.

3 Q. And that was always on the Thursday
4 following, correct?

5 A. Yes.

6 Q. When did you return back to work?

7 A. December 5th.

8 Q. And describe what happened the
9 first day you got back.

10 A. I tried to make it just a normal
11 workday. Ginny Barkiyani and her sister Jackie
12 were actually on vacation that week, so I just
13 tried to get back into things, get some of my
14 work back that I guess -- that I guess Carol
15 Gustin and Jackie Bourne had been doing for me.
16 I don't really remember anything out of the
17 ordinary.

18 Q. You said you tried to make it a
19 normal day; was it?

20 A. Well, with everybody coming up and
21 saying, you know, how are you feeling, but I
22 tried to.

23 Q. You tried to make it a normal day,
24 but clearly other people were treating it a
25 little bit differently, correct?

1 Nancy DeNardi

2 A. Actually, I don't think I had that
3 hard of a time trying to, as far as I was
4 concerned, they got the cancer out when I was
5 operated on, the chemo was preventative and I was
6 going on with my life.

7 Q. Why do you keep saying that you
8 tried to put it out of your mind as opposed to
9 you just did?

10 A. I wasn't aware I did that, I'm
11 sorry.

12 Q. Don't be sorry.

13 A. Well, it's very hard putting it
14 behind you when you're walking around with this
15 big, large thing on your hip too. That doesn't
16 help.

17 Q. After you hooked up with all the
18 needle and the tubes, how did you feel?

19 A. Actually, the first time I felt
20 fine. I was amazingly surprised that I felt as
21 good as I did.

22 Q. Throughout the first two days until
23 they took it out or unhooked it, did you feel all
24 right?

25 A. Yes.

1 Nancy DeNardi

2 believe had either been taken from their desk or
3 moved from their desk, like the night before?

4 A. I believe there was an issue at one
5 point, and I don't remember where the e-mail came
6 from, whether it was something that Ginny
7 Barkiyani sent to IT or IT sent back, saying
8 that, you know, people were missing items from
9 their desk and if anybody saw anything.

10 Q. That was before you went out on
11 disability?

12 A. I believe so.

13 Q. After you got back, you said that
14 Ginny was out, correct?

15 A. Yes.

16 Q. For how long?

17 A. She, I believe her and her sister
18 were in Florida for a week.

19 Q. How did you know they were in
20 Florida?

21 A. They told me they were going.

22 Q. When?

23 A. They had this planned for a while,
24 so I knew about it before I got sick.

25 Q. When you got back from your

1 Nancy DeNardi

2 disability, when was the very first time that you
3 had to go for chemo?

4 A. I started back on Monday. Probably
5 the following Tuesday. I started on the 5th,
6 maybe the 13th of December, I think.

7 Q. And when did you schedule that
8 appointment for?

9 A. When I went the first time I
10 scheduled -- I tried to schedule two or three
11 appointments in advance so I'd always get the
12 9:00 o'clock appointment.

13 Q. So you believe you had your next
14 chemo appointment at 9:00 o'clock on the
15 following Tuesday, correct?

16 A. I believe so.

17 Q. And how would you get there?

18 A. My husband would pick me up and
19 drive me.

20 Q. Where was your husband -- go ahead,
21 I'm sorry.

22 A. Well, his schedule is such that
23 every other week he's got different days off and
24 it worked out that a lot of the Tuesdays was his
25 day off, and it was convenient for him to drive

1 Nancy DeNardi

2 a personal day in March. I remember my husband
3 and I going on a bus trip. I might have taken a
4 personal day to go.

5 Q. When you got back from your
6 disability leave, describe the duties that you
7 were performing, say that week, December 5th,
8 what were you doing?

9 A. Other than my normal job, I can't
10 think of -- I can't think of anything out of the
11 ordinary, other than it being a normal day.

12 Q. I'm talking about that day, not
13 just the week you got back.

14 A. No, I understand.

15 I can't think of anything different
16 than I normally would have done.

17 Q. What about the following week, were
18 you doing anything different than you had
19 normally done?

20 A. Not that I could think of. Nothing
21 stands out.

22 Q. What about the following week after
23 that, let's say we're into the third week in
24 December, were you doing anything different than
25 you had normally done prior to your disability?

1 Nancy DeNardi

2 A. I don't believe so.

3 Q. The following week would have been
4 Christmas. Were you working during Christmas
5 week?

6 A. Yes, I was.

7 Q. Were you doing anything different
8 than you had been prior to disability?

9 A. Not that I'm aware of.

10 Q. Let's talk about January of the
11 following year, so that would have been January
12 of 2006. Were you doing any duties that were
13 different than prior to you going out on your
14 disability?

15 A. No. There's nothing that I could
16 think of above and beyond my normal job.

17 Q. Just remember, you can't shake --
18 your shake your head, but you can't just shake
19 your head.

20 A. Yes.

21 Q. For the month of January, would it
22 be fair to say that you were doing your normal
23 billing department lead functions?

24 A. I would say so.

25 Q. And what about for February of '06,

1 Nancy DeNardi

2 were you also doing your normal billing
3 department lead functions?

4 A. I believe so.

5 Q. What about March of '06, were you
6 doing your normal billing department lead
7 functions?

8 A. I'm trying to think. Things
9 changed, and I'm just trying to get the order in
10 which they did change.

11 March, I believe, is when Ginny
12 hired a new assistant, Shari McCauley. I was
13 relegated to doing data entry.

14 Q. When was she hired?

15 A. I believe it was about that time.

16 Q. She was hired, do you know when in
17 March she was hired?

18 A. I believe the memo came around
19 March 14th or March 24th.

20 Q. There was an e-mail or a memo?

21 A. There was a memo dropped on
22 everybody's desk.

23 Q. Prior to that time, would you agree
24 that you were doing your normal billing
25 department lead duties?

1 Nancy DeNardi

2 go because the first day I got down there, Mark
3 was in the lobby and he was like, "Hi, Nancy.
4 What are you doing here?"

5 And I said, "I'm going to sit at
6 the front desk."

7 And Carol Gustin and Jackie Bourne
8 both told me when he got back that day, he went
9 over and said, "Is everything okay with Nancy?"

10 He thought I was down there for a
11 test.

12 So as far as I was concerned, he
13 didn't have a clue I was going down there that
14 day.

15 I just -- oh gosh, there's -- I'm
16 trying to get the time frame and I'm sorry.

17 I'm just trying to -- there's a few
18 other things I wanted to say and I'm trying to
19 remember them.

20 Q. You'll have a chance.

21 A. Okay.

22 Q. Let me go back a little bit.

23 Your job functions were the same
24 when you got back from your disability as they
25 were before you going out on disability, until

1 Nancy DeNardi

2 some time in March; is that right?

3 A. I believe it was around March, yes.

4 Q. So something happened in March when
5 your job functions changed, correct?

6 A. Yes.

7 Q. So up until that point, other than
8 what you just testified about how people treated
9 you or talked to you or the different things that
10 happened, as far as your job functions are
11 concerned, that did not change at all until
12 sometime in March; do you agree?

13 A. Yes.

14 Q. Now, let's focus on the job
15 functions, and then I will talk to you about the
16 other things that you mentioned about feeling
17 distant and uncomfortable.

18 Up until March of 2006, what was
19 Jackie's role?

20 A. Okay, Jackie's role before I went
21 out on disability, that I recall, was payment
22 operator lead. There were three payment
23 operators and they went to her when they had a
24 problem.

25 When I came back from disability,

1 Nancy DeNardi

2 DeNardi"?

3 A. I don't know if it said "data
4 entry" or "server input."

5 Q. Did it say "server interface"?

6 A. It might have. I don't know.

7 And all that said was the charges
8 coming over for Cerner and dropping into the
9 system that the billing department was using.

10 Q. Were you working on Cerner at that
11 time when that memo came out?

12 A. I was. Carol Gustin was training
13 me to take over for her. She was doing that. I
14 was under the impression that I was going to be
15 doing that because Carol was overworked. Ginny
16 was afraid -- her actual words were "She's going
17 to have a breakdown if I keep her on this any
18 longer."

19 I was under the impression that I
20 would be doing it until they hired somebody to do
21 it.

22 Q. Who gave you that impression?

23 A. Ginny.

24 Q. What did she say?

25 A. They were looking for somebody to

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2 had happened?

3 A. It wasn't every day.

4 Q. That's what I wrote down, but
5 whatever you said, you said.

6 A. Okay.

7 Q. When did that start?

8 A. Pretty much, not initially in the
9 beginning, I mean I was upset, I knew things were
10 changing. I think after Ginny made the comment
11 about the chemo affecting my brain, and at that
12 point I realized things were changing, I was
13 being cold-shouldered out. It was upsetting and
14 I usually went home very upset.

15 Q. And when did Ginny make the comment
16 about chemo affecting your brain?

17 A. I believe it was sometime towards
18 the end of January.

19 Q. And you testified at the time she
20 made it, you laughed it off?

21 A. No, I don't believe I said that. I
22 said that a month later, when she forgot to do
23 something, Carol said that stress will make your
24 brain shut down and be forgetful.

25 I said, "How come with me it's

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2 about?"

3 I said, "Ginny said you went and
4 complained that we're making too much noise."

5 She said, "What are you talking
6 about? I never went to Ginny and talked about
7 you."

8 I just felt that they were looking
9 for reasons, excuses to yell, get me in trouble,
10 whatever you want to say. I felt like they were
11 making my life miserable.

12 Q. And who are you referring to when
13 you say that, making your life miserable, who is
14 the "they"?

15 A. Ginny. Carol. Jackie.

16 At one point when I started to do
17 the Cerner and Carol was teaching me how to do
18 it, it was a slow process because I was working
19 on a system I had never worked on before, doing a
20 job I had never done before.

21 And I had to explain to Ginny they
22 had cut my overtime, I had to leave right at 4.
23 So if the work wasn't done, I would have to leave
24 it till the next day.

25 And she originally said, "I

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2 understand. Not a problem."

3 The next day Carol said to me, "I
4 don't understand why you're not getting it done."
5 And she started yelling at me. She said, "It's
6 not an 8-hour a day job. Get it done."

7 And I said, "Excuse me?" And I
8 walked away.

9 And the next day I went to Ginny
10 and I complained that, you know, "I'm doing the
11 best I can, it's a new thing for me, I can't get
12 it all done."

13 And then she reiterated the same
14 thing, "It's not an all-day job. I don't
15 understand what's taking you so long get it done."

16 "And at that point I felt I had
17 no -- nowhere to go.

18 Q. So is it fair to say then that the
19 people you believe were treating you differently
20 were Ginny, Carol and Jackie?

21 A. For the basic most part, because
22 they were the ones I had the day-to-day
23 interaction with in my job. They were Ginny I
24 reported to. It was becoming more and more
25 apparent that I was reporting to Carol, Jackie

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2 back?

3 A. Differently, yes, there were a few
4 things.

5 Q. Who? Tell me who first, before you
6 tell me what.

7 A. Sue K. When I felt -- Sue was a
8 very nice woman, used to always come by in the
9 morning to say hello to me, how are things doing.
10 When things started to get very cold, she stopped
11 coming by. She'd walk by and didn't say hello.
12 I felt like a lot of people were shutting me out.

13 Mark Newton also, every time he
14 walked by would say hello and ask me how I was
15 doing, and all of a sudden he would walk by,
16 nothing.

17 You know, it's just --

18 Q. Besides Sue K and Mark Newton, you
19 said a lot of people, who are you referring to
20 that treated you differently?

21 A. I'm sorry, a lot of people. Can
22 you --

23 Q. That's what you said. I'm just
24 taking down your words.

25 A. I don't -- I'm not sure of the

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2 this second.

3 Q. Well, what would help you remember
4 what those other incidents are?

5 A. I don't know. As we talk, I
6 remember things.

7 Q. Well, did you tell anyone that this
8 is how you felt?

9 A. I spoke to Ginny three or four
10 times about the way I felt.

11 Q. Three or four times when?

12 A. From February 2nd, when her and her
13 sister -- February 2nd -- or was it March 2nd,
14 I'm sorry, it might have been March 2nd when they
15 went through my desk the first time and I had a
16 few conversations with her about that.

17 I told her, my exact words, I said
18 I felt like I had "a target on my back," I felt
19 that they were trying to get rid of me.

20 She told me no, there was nothing
21 going on.

22 Again after the memo came around
23 about Shari McCauley, I went in and asked her
24 what was going on.

25 She looked at the memo for 5 or 10

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2 minutes and then said, "Well, I could see where
3 you'd get that impression, but there's no
4 change."

5 And at that point I started to cry
6 and I said to her, "DRA is a wonderful place to
7 work, just don't get sick here because you're
8 screwed," and I walked out of her office.

9 And then again probably two or
10 three weeks later, I went in and I said, "What is
11 going on with you and me? I want us to be back
12 the way we were." And again I started crying.

13 And she said, "I don't see where we
14 have a problem, there's nothing going on."

15 Q. And that was in March?

16 A. That was probably towards the end
17 of March.

18 Again, after my overtime was cut, I
19 went in again. We had a conversation about that.
20 I told her I was going to have to get a second
21 job. I didn't want to change my hours. We
22 argued over that for a couple of days and then
23 she finally agreed to let me keep my hours.

24 And then at that point, even though
25 she kept telling me that there was nothing going